100TH CONGRESS
2d Session

SENATE

TREATY DOC.
100-19

PROTOCOL FOR THE SUPPRESSION OF UNLAWFUL ACTS OF VIOLENCE AT AIRPORTS SERVING INTERNATIONAL CIVIL AVIATION

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

THE PROTOCOL FOR THE SUPPRESSION OF UNLAWFUL ACTS OF VIOLENCE AT AIRPORTS SERVING INTERNATIONAL CIVIL AVIATION, DONE AT MONTREAL ON FEBRUARY 24, 1988

MAY 23, 1988.—Protocol was read the first time, and together with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed for the use of the Senate

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U.S. GOVERNMENT PRINTING OFFICE

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LETTER OF TRANSMITTAL

THE WHITE HOUSE, *May 20, 1988.*

To the Senate of the United States:

I transmit herewith, for the advice and consent of the Senate to ratification, the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, done at Montreal on February 24, 1988. The report of the Department of State is also enclosed for the information of the Senate.

The Protocol will extend and supplement the legal framework of the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on September 23, 1971, to which the United States is already a party. It provides for enhanced international cooperation in the fight against terrorism at airports serving international civil aviation. The Protocol was negotiated under the auspices of the International Civil Aviation Organization.

The United States played a leading role in the negotiation of the Protocol. Early ratification by the United States will encourage similar action by other nations.

I recommend that the Senate give early and favorable consideration to the Protocol and give its advice and consent to ratification.

RONALD REAGAN.

LETTER OF SUBMITTAL

DEPARTMENT OF STATE,
Washington, DC, May 6, 1988.

The PRESIDENT,
The White House.

THE PRESIDENT: I have the honor to submit to you, with a view to transmittal to the Senate for its advice and consent to ratification, the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, done at Montreal, February 24, 1988.

The Protocol is an important instrument that will enhance international cooperation in combatting acts of terrorist violence. Preparation of the Protocol began in 1986, after the Assembly of the International Civil Aviation Organizations (ICAO) unanimously called for the development of a new international instrument for the suppression of unlawful acts of violence at airports serving international civil aviation. The Assembly's action was taken in the wake of several acts of terrorist violence at international airports, including the December 1985 attacks at the Rome and Vienna Airports, that resulted in the death of 20 innocent persons, including 5 Americans.

A subcommittee of the ICAO Legal Committee and the full Legal Committee met in January 1987 and April–May 1987 respectively to develop this Protocol. The final text of the instrument was adopted by consensus by the 81 nations represented at an International Conference on Air Law, held in Montreal from February 9–24, 1988, under the auspices of ICAO.

The Protocol will supplement and extend the legal framework of the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal September 23, 1971 (the Montreal Convention) to encompass unlawful acts of violence committed at airports serving international civil aviation, even where such acts do not endanger the safety of aircraft in flight. Pursuant to Article I of the Protocol, as between the parties to the Protocol, the Montreal Convention and the Protocol will be read and interpreted as a single instrument.

The Montreal Convention, now in force for 137 nations, was the third major step taken by the international community to deal with terrorist attacks and other criminal acts against civil aviation. The Convention on Offenses and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on September 14, 1963, entered into force in 1969. The Convention for the Suppression of Unlawful Seizure of Aircraft (Hijacking Convention), signed at The Hague on

December 16, 1970, entered into force in 1971. The United States is a party to all three of these Conventions.

The major provisions of the Protocol are as follows:

Paragraph 1 of Article II sets forth the offenses covered by the Protocol and will be Article 1, paragraph 1 *bis* for the parties to the Montreal Convention as supplemented by the Protocol. This article states that any person commits an offense if he unlawfully and intentionally, using any device, substance or weapon (a) performs certain acts of violence at an international airport or (b) destroys or seriously damages the facilities of an international airport or aircraft not in service located thereon, or disrupts service at that airport. To be an offense under this provision, the Protocol requires that these acts endanger or be likely to endanger safety at an airport serving international civil aviation.

Paragraph 2 of Article II provides that the words "or paragraph 1 bis" will be inserted after the words "paragraph 1" in paragraph 2(a) of Article 1 of the Convention. Through this amendment, the supplemented Montreal Convention will also include as offenses (a) attempts to commit any of the acts listed in paragraph 1 of Article II of the Protocol and (b) complicity in such acts or attempts.

Article III of the Protocol adds a paragraph 2 *bis* to Article 5 of the Convention. Under this new paragraph, each party agrees to take measures to establish jurisdiction over the offenses mentioned in the Protocol, where an alleged offender is present in its territory and it does not extradite him pursuant to Article 8 of the Convention.

Articles IV through VII set out the procedures for signature, ratification, accession and entry into force of the Protocol. Article V provides that a state not party to the Convention may ratify the Protocol if at the same time it ratifies or accedes to the Convention. Pursuant to Article VI, as soon as ten signatory states have deposited their instruments of ratification, it shall enter into force between them on the thirtieth day after the date of the deposit of the tenth instrument of ratification. Article VIII provides the rules for denunciation of the Protocol and Article IX establishes certain responsibilities for the Depositaries of the Protocol.

Because the Protocol includes an offense not currently part of U.S. domestic law, it will require implementing legislation before the United States can become a party. This legislation is now being prepared.

I recommend that the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation be transmitted to the Senate as soon as possible for its advice and consent to ratification.

Respectfully submitted,

GEORGE P. SHULTZ.

PROTOCOL FOR THE SUPPRESSION OF UNLAWFUL ACTS OF VIOLENCE AT AIRPORTS SERVING INTERNATIONAL CIVIL AVIATION, SUPPLEMENTARY TO THE CONVENTION FOR THE SUPPRESSION OF UNLAWFUL ACTS AGAINST THE SAFETY OF CIVIL AVIATION, DONE AT MONTREAL ON 23 SEPTEMBER 1971

The States Parties to this Protocol:

Considering that unlawful acts of violence which endanger or are likely to endanger the safety of persons at airports serving international civil aviation or which jeopardize the safe operation of such airports undermine the confidence of the peoples of the world in safety at such airports and disturb the safe and orderly conduct of civil aviation for all States;

Considering that the occurrence of such acts is a matter of grave concern to the international community and that, for the purpose of deterring such acts, there is an urgent need to provide appropriate measures for punishment of offenders;

Considering that it is necessary to adopt provisions supplementary to those of the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on 23 September 1971, to deal with such unlawful acts of violence at airports serving international civil aviation;

Have agreed as follows:

ARTICLE I

This Protocol supplements the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on 23 September 1971 (hereinafter referred to as "the Convention"), and, as between the Parties to this Protocol, the Convention and the Protocol shall be read and interpreted together as one single instrument.

ARTICLE II

1. In Article 1 of the Convention, the following shall be added as new paragraph 1 *bis*:

"1 *bis*. Any person commits an offense if he unlawfully and intentionally using any device, substance or weapon:

(a) performs an act of violence against a person at an airport serving international civil aviation which causes or is likely to cause serious injury or death; or

(b) destroys or seriously damages the facilities of an airport serving international civil aviation or aircraft not in service located thereon or disrupts the services of the airport.

if such an act endangers or is likely to endanger safety at that airport."

2. In paragraph 2 (a) of Article 1 of the Convention, the following words shall be inserted after the words "paragraph 1":

"or paragraph 1 *bis*".

ARTICLE III

In Article 5 of the Convention, the following shall be added as paragraph 2 *bis*:

"2 *bis*. Each Contracting State shall likewise take such measures as may be necessary to establish its jurisdiction over the offences mentioned in Article 1, paragraph 1 *bis*, and in Article 1, paragraph 2, in so far as that paragraph relates to those offences, in the case where the alleged offender is present in its territory and it does not extradite him pursuant to Article 8 to the State mentioned in paragraph 1 (a) of this Article."

ARTICLE IV

This Protocol shall be open for signature at Montreal on 24 February 1988 by States participating in the International Conference on Air Law held at Montreal from 9 to 24 February 1988. After 1 March 1988, the Protocol shall be open for signature to all States in London, Moscow, Washington and Montreal, until it enters into force in accordance with Article VI.

ARTICLE V

1. This Protocol shall be subject to ratification by the signatory States.

2. Any State which is not a Contracting State to the Convention may ratify this Protocol if at the same time it ratifies or accedes to the Convention in accordance with Article 15 thereof.

3. Instruments of ratification shall be deposited with the Governments of the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America or with the International Civil Aviation Organization, which are hereby designated the Depositaries.

ARTICLE VI

1. As soon as ten of the signatory States have deposited their instruments of ratification of this Protocol, it shall enter into force between them on the thirtieth day after the date of the deposit of the tenth instrument of ratification. It shall enter into force for each State which deposits its instrument of ratification after that date on the thirtieth day after deposit of its instrument of ratification.

2. As soon as this Protocol enters into force, it shall be registered by the Depositaries pursuant to Article 102 of the Charter of the United Nations and pursuant to Article 83 of the Convention on International Civil Aviation (Chicago, 1944).

ARTICLE VII

1. This Protocol shall, after it has entered into force, be open for accession by any non-signatory State.

2. Any State which is not a Contracting State to the Convention may accede to this Protocol if at the same time it ratifies or accedes to the Convention in accordance with Article 15 thereof.

3. Instruments of accession shall be deposited with the Depositaries and accession shall take effect on the thirtieth day after the deposit.

ARTICLE VIII

1. Any Party to this Protocol may denounce it by written notification addressed to the Depositaries.

2. Denunciation shall take effect six months following the date on which notification is received by the Depositaries.

3. Denunciation of this Protocol shall not of itself have the effect of denunciation of the Convention.

4. Denunciation of the Convention by a Contracting State to the Convention as supplemented by this Protocol shall also have the effect of denunciation of this Protocol.

ARTICLE IX

1. The Depositaries shall promptly inform all signatory and acceding States to this Protocol and all signatory and acceding States to the Convention:

(a) of the date of each signature and the date of deposit of each instrument of ratification of, or accession to, this Protocol, and

(b) of the receipt of any notification of denunciation of this Protocol and the date thereof.

2. The Depositaries shall also notify the States referred to in paragraph 1 of the date on which this Protocol enters into force in accordance with Article VI.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, being duly authorized thereto by their Governments, have signed this Protocol.

DONE at Montreal on the twenty-fourth day of February of the year One Thousand Nine Hundred and Eighty-eight, in four originals, each being drawn up in four authentic texts in the English, French, Russian and Spanish languages.

AFGHANISTAN
АФГАНИСТАН
AFGANISTAN

ALBANIA
ALBANIE
АЛБАНИЯ
ALBANIA

ALGERIA
ALGÉRIE
АЛЖИР
ARGELIA

ANGOLA
АНГОЛА

ANTIGUA AND BARBUDA
ANTIGUA-ET-BARBUDA
АНТИГУА И БАРБУДА
ANTIGUA Y BARBUDA

ARGENTINA
ARGENTINE
АРГЕНТИНА

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AUSTRALIE
АВСТРАЛИЯ

AUSTRIA
AUTRICHE
АВСТРИЯ

BAHAMAS
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BAHRAIN
BAHREÏN
БАХРЕЙН
BAHREIN

BANGLADESH
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BARBADOS
BARBADE
БАРБАДОС

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BÉLGICA

BELIZE
БЕЛИЗ
BELICE

BENIN
BÉNIN
БЕНИН

BHUTAN
BHOUTAN
БУТАН
BHUTAN

BOLIVIA
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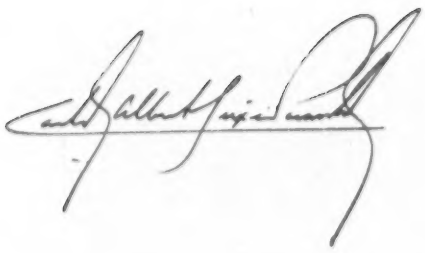

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BRUNÉI DARUSSALAM
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RÉPUBLIQUE POPULAIRE DÉMOCRATIQUE DE CORÉE
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YÉMEN DÉMOCRATIQUE
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YEMEN DEMOCRÁTICO

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Col. Yacob G. Egziabher

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KIRIBATI
КИРИБАТИ

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КУВЕЙТ

D. Bouresli

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RÉPUBLIQUE DÉMOCRATIQUE POPULAIRE LAO
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REPUBLICA DEMOCRÁTICA POPULAR LAO

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LIECHTENSTEIN
ЛИХТЕНШТЕЙН

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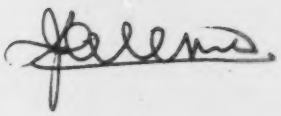

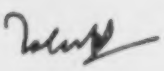

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MÉXICO

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MARRUECOS

MOZAMBIQUE
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NAMIBIE
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НАУРУ

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NÉPAL
НЕПАЛ

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PAYS-BAS, ROYAUME DES
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PAÍSES BAJOS, REINO DE LOS

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НОВАЯ ЗЕЛАНДИЯ
NUEVA ZELANDIA

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NORVÈGE
НОРВЕГИЯ
NORUEGA

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PAPUA NUEVA GUINEA

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PÉROU
ПЕРУ
PERU

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FILIPINAS

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POLONIA

PORTUGAL
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RÉPUBLIQUE DE CORÉE
КОРЕЙСКАЯ РЕСПУБЛИКА
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RUMANIA

RWANDA
РУАНДА

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SAINT-KITTS-ET-NEVIS
СЕНТ-КИТТС И НЕВИС
SAINT KITTS Y NEVIS

SAINT LUCIA
SAINTE-LUCIE
СЕНТ-ЛЮСИЯ
SANTA LUCÍA

SAINT VINCENT AND THE GRENADINES
SAINT-VINCENT-ET-GRENADINES
СЕНТ-ВИНСЕНТ И ГРЕНАДИНЫ
SAN VICENTE Y LAS GRANADINAS

SAMOA
САМОА

SAN MARINO
SAINT-MARIN
САН-МАРИНО

SAO TOME AND PRINCIPE
SAO TOMÉ-ET-PRINCIPE
САН-ТОМЕ И ПРИНСИПИ
SANTO TOMÉ Y PRÍNCIPE

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ARABIE SAOUDITE
САУДОВСКАЯ АРАВИЯ
ARABIA SAUDITA

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SÉNÉGAL
СЕНЕГАЛ

SEYCHELLES
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СЬЕРРА-ЛЕОНЕ
SIERRA LEONA

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СИНГАПУР
SINGAPUR

SOLOMON ISLANDS
ÎLES SALOMON
СОЛОМОНОВЫ ОСТРОВА
ISLAS SALOMÓN

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SOMALIE
СОМАЛИ

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ESPAGNE
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ESPAÑA

SRI LANKA
ШРИ-ЛАНКА

SUDAN
SOUDAN
СУДАН
SUDAN

SURINAME
СУРИНАМ

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СВАЗИЛЕНД
SWAZILANDIA

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SUÈDE
ШВЕЦИЯ
SUECIA

SWITZERLAND
SUISSE
ШВЕЙЦАРИЯ
SUIZA

SYRIAN ARAB REPUBLIC
REPUBLIQUE ARABE SYRIENNE
СИРИЙСКАЯ АРАБСКАЯ РЕСПУБЛИКА
REPUBLICA ARABE SIRIA

THAILAND
THAILANDE
ТАИЛАНД
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TOGO
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TONGA
ТОНГА

TRINIDAD AND TOBAGO
TRINITE-ET-TOBAGO
ТРИНИДАД И ТОБАГО
TRINIDAD Y TABAGO

TUNISIA
TUNISIE
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TUNEZ

TURKEY
TURQUIE
ТУРЦИЯ
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TUVALU
ТУВАЛУ

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UKRAINIAN SOVIET SOCIALIST REPUBLIC
RÉPUBLIQUE SOCIALISTE SOVIÉTIQUE D'UKRAINE
УКРАИНСКАЯ СОВЕТСКАЯ СОЦИАЛИСТИЧЕСКАЯ РЕСПУБЛИКА
REPÚBLICA SOCIALISTA SOVIÉTICA DE UCRANIA

UNION OF SOVIET SOCIALIST REPUBLICS
UNION DES RÉPUBLIQUES SOCIALISTES SOVIÉTIQUES
СОЮЗ СОВЕТСКИХ СОЦИАЛИСТИЧЕСКИХ РЕСПУБЛИК
UNIÓN DE REPÚBLICAS SOCIALISTAS SOVIÉTICAS

UNITED ARAB EMIRATES
ÉMIRATS ARABES UNIS
ОБЪЕДИНЕННЫЕ АРАБСКИЕ ЭМИРАТЫ
EMIRATOS ARABES UNIDOS

UNITED KINGDOM
ROYAUME-UNI
СОЕДИНЕННОЕ КОРОЛЕВСТВО
REINO UNIDO

UNITED REPUBLIC OF TANZANIA
RÉPUBLIQUE-UNIE DE TANZANIE
ОБЪЕДИНЕННАЯ РЕСПУБЛИКА ТАНЗАНИЯ
REPÚBLICA UNIDA DE TANZANÍA

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ESTADOS UNIDOS

URUGUAY
УРУГВАЙ

VANUATU
ВАНУАТУ

VENEZUELA
ВЕНЕСУЭЛА

VIET NAM
ВЬЕТНАМ

YEMEN
YEMEN
ИЕМЕН

YUGOSLAVIA
YOUGOSLAVIE
ЮГОСЛАВИЯ

ZAIRE
ZAIRE
ЗАИР

ZAMBIA
ZAMBIE
ЗАМБИЯ

ZIMBABWE
ЗИМБАБВЕ